

NOTICE OF HEARING & LETTING

NOTICE OF PUBLIC HEARING & LETTING FOR THE CONSTRUCTION OF THE **SW MAGAZINE ROAD AND SW CHERRY STREET PAVING PROJECT, PHASE 2** FOR THE CITY OF ANKENY, IOWA.

Sealed proposals will be received by the City Clerk of the City of Ankeny, Iowa, in the City Council Chambers, City Hall, 410 W. 1st Street, Ankeny, Iowa, 50023, **before 10:30 a.m. on the 1st day of June, 2010,** for the construction of the **SW Magazine Road and SW Cherry Street Paving Project, Phase 2** as described in the plans and specifications heretofore on file in the office of the City Clerk. Proposals will be opened and the amount of the bids announced in said Council Chambers by the City Manager or his designee at the time and date specified above.

Also, **at 5:30 p.m. on the 7th day of June, 2010,** the City Council of said City will, in said Council Chambers, hold a hearing whereat said Council will resolve to adopt plans, specifications, form of contract and estimate of cost and, at the time, date and place specified above, or at such time, date and place as then may be fixed, to act upon proposals and enter into contract for the construction of said improvements.

At said hearing, the City Council will consider the proposed plans, specifications, form of contract and estimate of cost for the project, the same now being on file in the office of the City Clerk, reference to which is made for a more detailed and complete description of the proposed improvements, and at said time and place the said Council will also receive and consider any comments/objections to said plans, specification and form of contract or to the estimated cost of said improvements made by any interested party.

The nature and extent of the improvements are as follows:

SW MAGAZINE ROAD AND SW CHERRY STREET PAVING PROJECT PHASE 2

This project includes finish grading and PCC paving along SW Magazine Road from SW Cherry Street to South Ankeny Boulevard; and along the SW Cherry Street from SW Magazine Road north to the Prairie Trail property line in the City of Ankeny, Iowa. Construction includes excavation, intake grates and adjusting rings, 5,100 LF of subdrain, 24,400 SY of PCC pavement, decorative concrete paver crosswalks, erosion control, and surface restoration. All work and materials are to be in accordance with the proposed plans, specifications, form of contract and estimate of cost now on file in the office of the City Clerk of Ankeny, Iowa, and by this reference made a part as though fully set out and incorporated herein.

All bid proposals in connection therewith shall be submitted to the City Clerk of said City on or before the time set forth herein. All proposals shall be made on official bidding blanks furnished by the City, and any irregularities in the official proposal will entitle the Council, at its option, to reject the proposal involved from consideration. Each proposal shall be sealed and plainly identified.

Each proposal shall be made out on a blank form identical to that included in the project documents and must be accompanied in a separate sealed envelope by either (1) a certified or cashier's check, drawn on a solvent Iowa bank or a bank chartered under the laws of the United States, or a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States, in an amount equal to ten percent (10%) of the bid, or (2) a bid bond executed by a corporation authorized to contract as a surety in the State of Iowa, in a penal sum of ten percent (10%) of the bid.

The bid security shall be made payable to the CITY OF ANKENY, IOWA. The bid security must not contain any conditions either in the body or as an endorsement thereon. The bid security shall be forfeited to the City as liquidated damages in the event the successful bidder fails or refuses to enter into a contract within ten (10) days after the award of contract and to post bonds satisfactory to the City insuring the faithful fulfillment of the contract and the maintenance of said work, if required, pursuant to the provisions of this notice and the other contract documents. Bidders shall use the bid bond form included in the specifications or of a corporate form approvable to the City of Ankeny, Iowa.

By virtue of statutory authority, preference will be given to products and provisions grown and coal produced within the State of Iowa, and to Iowa and City of Ankeny labor forces.

The successful bidder shall provide proof of registration with the Iowa Division of Labor in accordance with Chapter 91C of the Code of Iowa.

The City Council reserves the right to reject any or all bids, to waive informalities, irregularities or technicalities in any bid and to accept the bid which it deems to be in the best interest of the City.

The successful bidder will be required to furnish bonds in an amount equal to one hundred percent (100%) of the contract price. Said bonds must be issued by a responsible surety approved by the City Council and shall guarantee (1) the faithful performance of the contract and the terms and conditions therein contained, shall (2) guarantee the prompt payment for all materials and labor and protect and save harmless the City from claims and damages of any kind used by the operations of the Contractor, and shall (3) guarantee the work against faulty workmanship and materials for not less than four (4) years for all components from the time of acceptance of the improvements by the City Council.

The work under the contract shall commence within 10 calendar days after the date set forth in the Notice to Proceed. The anticipated date of the notice to proceed is June 14, 2010. All work with the exception of final surface restoration shall be fully completed in 70 working days. Surface Restoration shall be fully completed in 15 working days in the spring of 2011. The anticipated date of the notice to proceed for surface restoration is March 1, 2011.

Payment of the cost of said project will be made from any one or a combination of the following sources at the discretion of the City Council:

- 1.) Cash funds on hand available to the City for payment of costs incurred related to the construction of this project.
- 2.) When cash funds are not available, payments shall be made with warrant(s) drawing interest at the rate of twelve (12%) percent per annum, or at such lesser rate as may be mutually agreed upon, authorized by §384.57 of the Code of Iowa, as amended, drawn on this project fund; anticipating the collection of cash monies from bonds as may be legally used for this project the City will pay the holders of the warrants issued their accrued money; the City typically makes arrangements with a local bank whereby the Contractor can sell their warrant to the bank for full face value; warrants will be bought back by the City, with interest, at such timely future date as the City has funds legally available for such purposes.

Payment will be made to the Contractor based on monthly estimates in amounts equal to ninety-five (95%) percent of the contract value of the work completed including materials and equipment delivered to the job during the preceding calendar month, and will be based upon an estimate prepared by the Contractor on the first day of the month, subject to the approval of the Engineer.

The Engineer will certify to the Council for payment of each approved estimate on or before the tenth (10th) day of the month. Such monthly payments shall in no way be construed as an act of acceptance for any part of the work partially or totally completed. The balance of the five (5) percent due the Contractor will be paid in accordance with the Code of Iowa.

A sales tax exemption certificate will be available for all material purchased for incorporation into the project. Contractor also must file appropriate claim waivers before final payment will be released.

Liquidated damages in the amount of One Thousand Dollars (\$1,000.00) per calendar day will be assessed for each calendar day that the work on the contract remains uncompleted after the initial working days have expired.

Plans and specifications governing the construction of the proposed improvements, and also the prior proceedings of the City Council referring to and defining said proposed improvement are hereby made a part of this notice and the proposed contract by reference, and the proposed contract shall be executed in compliance therewith.

Copies of said plans and specifications and form of contract are now on file with the City Clerk and may be examined at the Ankeny City Hall, 410 W. 1st Street, Ankeny, Iowa. Copies of the project documents may be obtained from Snyder & Associates, Inc., 2727 SW Snyder Boulevard, Ankeny, Iowa 50023, upon payment of \$25.00, none of which is refundable.

This notice is given by order of the City Council of the City of Ankeny, Iowa.

Dated at Ankeny, Iowa, this 3rd day of May, 2010

Steven D. Van Oort, Mayor

ATTEST:

Pamela DeMouth, City Clerk

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